



Serial No. 10/801,231

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bucay-Couto, et al.  
Application No.: 10/801,231  
Date Filed: 03/16/2004  
Title: IN SITU IMPLANT AND METHOD OF FORMING SAME  
Examiner: Unassigned  
Group Art: 3731  
Confirmation No.: 2019  
Docket: 03-205

INFORMATION DISCLOSURE STATEMENT (IDS)

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. ☒ A legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. ☐ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. ☒ Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

III. ☐ CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

**FEES**

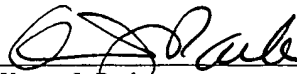
- IV. ☒ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b):** (check one box)
- a. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
  - b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
  - c. ☒ before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
  - d. ☐ before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- V. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c):** (check one box)  
before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).
- a. ☐ No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
  - b. ☐ See the statement below. No fee is required.
- VI. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):**  
on or before payment of the issue fee and is accompanied by the following:
- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
  - 2) charge deposit account 50-1047 the petition fee set forth in §1.17(p).
- VII. ☒ **STATEMENT UNDER 37 C.F.R. §1.97(e)** (check only one box, if applicable)  
The undersigned hereby states that
- a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
  - b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
  - c. ☐ some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
- VIII. **PAYMENT OF FEES**
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above-identified fee(s).
  - ☐ Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
  - ☒ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
  - ☐ Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicant(s)' opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,  
Mayer Fortkort & Williams, PC

Mayer Fortkort & Williams, PC  
Customer Number 27774

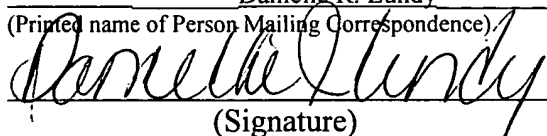
  
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Enclosures: ☒ PTO/SB/08  
☒ References (US references omitted)  
☐ Search Report  
☐ Other:

**Certificate of Mailing By First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail under 37 CFR 1.8 in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Danielle R. Lundy  
(Printed name of Person Mailing Correspondence)  
  
(Signature)

Serial No.: 10/801,231

Please type a plus sign (+) inside this box. FORM PTO/SP-08

Substitute for form 1449A/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	10/801,231
				Filing Date	03/16/2004
				First Named Inventor	Bucay-Couto, et al.
				Group Art Unit	3731
				Confirmation No.:	2019
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	03-205

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Issue Date MM-DD-YYYY
		Number	Class/Subclass		
	1.	4,938,763	604/891.1	Dunn, et al.	07/03/1990
	2.	6,165,193	606/191	Greene, Jr., et al.	12/26/2000
	3.	6,585,748 B1	606/200	Jeffree	07/01/2003

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Publication		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Class/Subclass		
	1.	2003/0220666 A1	606/200	Mirigian, et al.	11/27/2003

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD- YYYY	T
		Office <sup>3</sup>	Number	Class/ Subclass			
	1.	DE	40 28 466 A1	A 61 M 25/00	Hans-Hermann Gercke	03/12/1992	
	2.	WO	01/15608 A1	A61B 17/12	Micro Thereapeutics, Inc.	03/08/2001	
Examiner Signature					Date Considered		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation, if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.